

2003 DRAFTING REQUEST**Bill**Received: **12/30/2003**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **John Gard (608) 266-3387**By/Representing: **Bryon Wornson**This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.
Public Util. - energy**Extra Copies: **CMH**Submit via email: **YES**Requester's email: **Rep.Gard@legis.state.wi.us**Carbon copy (CC:) to: **daryl.hinz@legis.state.wi.us
laura.rose@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Energy conservation and efficiency grants

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 12/30/2003	kgilfoy 12/30/2003		_____			State
/1			pgreensl 01/05/2004	_____	sbasford 01/05/2004	lemery 01/05/2004	

FE Sent For:

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At intro.

12/30/2003 04:07:41 PM

Page 1

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1/?	mkunkel	1-12/30 kmg	1/5 1/04 pg	1/5 1/04 pg			

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2003

Date (time)
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LRB - 3957, 1

NOTE: King:

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BILL

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] *to repeal ...; to renumber ...; to consolidate and renumber ...; to renumber and amend ...; to consolidate, renumber and amend ...; to amend ...; to repeal and recreate ...; and to create ...* of the statutes; relating to: *Energy conservation and efficiency ... grants, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.*
[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

INSERT A ✓

FE-S ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

~~INSERT A~~ ✓

INSERT B ✓

INSERT C ✓

INSERT E ✓

INSERT D ✓

(END)

administrative hearing is removed to a court, that court is required by the bill to review the evidence and examine witnesses, independent of DNR's evidence review and witness examination.

STRATEGIC ENERGY ASSESSMENTS

Current law requires the Public Service Commission (PSC) to prepare a strategic energy assessment every two years that evaluates the adequacy and reliability of the state's electricity supplies. An assessment must describe, among other things, large electric generating facilities and high-voltage transmission lines on which utilities plan to begin construction within three years. The bill requires an assessment to describe large electric generating facilities and high-voltage transmission lines on which utilities plan to begin construction within seven years, rather than three years.

PARTIAL DEREGULATION OF TELECOMMUNICATIONS SERVICES

Under current law, a person may petition the PSC to begin proceedings for determining whether to partially deregulate certain telecommunications services. The PSC may also begin such proceedings on its own motion. If the PSC makes certain findings regarding competition for such telecommunications services, the PSC may issue an order suspending specified provisions of law. Current law does not impose any deadlines on such proceedings.

The bill requires the PSC to complete the proceedings no later than 120 days after a person files a petition. In addition, if the PSC begins proceedings based on its own motion, the proceedings must be completed no later than 120 days after the PSC provides notice of its motion. If the PSC fails to complete the proceedings and, if appropriate, issue an order within the deadline, the bill provides for the suspension of any provisions of law that are specified in the petition or in the PSC's motion.

UTILITY PUBLIC BENEFITS FUND

Under current law, certain electric and gas utilities are required to make contributions to the PSC in each fiscal year. The PSC deposits the contributions in the utility public benefits fund (fund), which also consists of monthly fees paid by utility customers. The fund is used by (DOA) to make grants for low-income assistance, energy conservation and efficiency, environmental research and development, and renewable resource programs. ~~The amount that each utility must contribute to the PSC is the amount that the PSC determines that the utility spent in 1998 on its own programs that are similar to the programs awarded grants by DOA.~~

Under this bill, the PSC may allow a utility to retain a portion of the amount that it is required to contribute in each fiscal year under current law. However, the PSC may allow a utility to do so only if the PSC determines that the portion is used by the utility for energy conservation programs for industrial, commercial, and agricultural customers in the utility's service area. Also, the programs must comply with rules promulgated by the PSC. The rules must specify annual energy savings targets that the programs must be designed to achieve. The rules must also require a utility to demonstrate that, within a reasonable period of time determined by the PSC, the economic benefits of such a program will be equal to the portion of the contribution that the PSC allows the utility to retain. If the PSC allows a utility to

Public
Service
Commission

the Department of Administration

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IN SECT A

(continued)

retain such a portion, the utility must contribute 1.75 percent of the portion to the PSC, which the PSC must deposit in the fund for DOA to use for programs for research and development for energy conservation and efficiency. In addition, the utility must contribute 4.5 percent of the portion to the PSC for deposit in the fund for DOA to use for renewable resource programs. The bill also prohibits a utility from paying for expenses related to administration, marketing, or delivery of services for the utility's energy conservation programs from the portion of a contribution the utility is allowed to retain.

This The bill also requires the PSC to promulgate rules for the grants made by DOA from the fund for energy conservation and other programs. Under the bill, an applicant is not eligible for such a grant unless the applicant's proposal for the grant complies with rules promulgated by the PSC. The rules must require an applicant to demonstrate that, within a reasonable period of time determined by the PSC, the economic benefits resulting from the proposal will be equal to the amount of the grant. The rules must also specify annual energy savings targets that such proposal must be designed to achieve. *a*

(END OF INSERT A)

RECIPROCAL AGREEMENTS FOR REAL ESTATE LICENSES

Under current law, the Department of Regulation and Licensing (DRL) grants licenses that allow persons to practice as real estate brokers or salespersons. Current law specifies the requirements a person must satisfy to obtain such a license. The Real Estate Board (board) advises DRL on rules regarding licensing and other matters.

This bill allows DRL to grant licenses to persons licensed as real estate brokers or salespersons in other states and territories, in addition to persons who satisfy the requirements specified under current law. Under the bill, DRL may, after consulting with the board, enter into reciprocal agreements with officials of other states or territories for granting licenses to persons licensed in those states or territories.

COMPREHENSIVE PLANNING BY LOCAL GOVERNMENTAL UNITS

Under the current law popularly known as the "Smart Growth" statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a zoning development plan or a zoning master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; and land use.

Beginning on January 1, 2010, under Smart Growth, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans, and impact fee ordinances. Also beginning on January 1, 2010, under Smart Growth, if a local governmental unit engages in any program or action that affects land use, the comprehensive plan must contain at least all of the required planning elements.

Programs for

except the low-income assistance

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 16.957 (2) (b) 1. (intro.) of the statutes is amended to read:

2 16.957 (2) (b) 1. (intro.) Subject to subd. 2. and the rules promulgated under
3 sub. (2m), after holding a hearing, establish programs for awarding grants from the
4 appropriation under s. 20.505 (3) (s) for each of the following:

5 SECTION 2. 16.957 (2) (c) 2. of the statutes is amended to read:

6 16.957 (2) (c) 2. Requirements and procedures for applications for grants
7 awarded under programs established under par. (a) or (b) 1. The rules for grants
8 awarded under programs established under par. (b) 1. may not be inconsistent with
9 the rules promulgated by the commission under sub. (2m).

10 SECTION 3. 16.957 (2m) of the statutes is created to read:

11 16.957 (2m) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The commission
12 shall promulgate rules that provide that a proposal for providing energy
13 conservation or efficiency services is not eligible for a grant under sub. (2) (b) unless
14 the applicant demonstrates that, no later than a reasonable period of time, as
15 determined by the commission, after the applicant begins to implement the proposal,
16 the economic value of the benefits resulting from the proposal will be equal to the
17 amount of the grant. The rules shall also specify annual energy savings targets that
18 ^{to} such proposal must be designed to achieve in order for the proposal to be eligible
19 for a grant under sub. (2) (b).

20 SECTION 4. 16.957 (3) (b) of the statutes is amended to read:

INSERT
B (continued)

1 16.957 (3) (b) The department shall, on the basis of competitive bids, contract
2 with one or more nonstock, nonprofit corporations organized under ch. 181 to
3 administer the programs established under sub. (2) (b) 1., including soliciting
4 proposals, processing grant applications, selecting, based on criteria specified in
5 rules promulgated under sub. (2) (c) 2m. and the standards established in the rules
6 promulgated under sub. (2m), proposals for the department to make awards and
7 distributing grants to recipients.

8 **SECTION 5.** 19.52 (3) of the statutes is amended to read:

9 19.52 (3) Chapters 901 to 911 apply to the admission of evidence at the hearing.
10 The ~~board~~ hearing examiner shall not find a violation of this subchapter or subch.
11 III of ch. 13 except upon clear and convincing evidence admitted at the hearing.

12 **SECTION 6.** 19.52 (4) of the statutes is repealed.

13 **SECTION 7.** 25.96 of the statutes is amended to read:

14 **25.96 Utility public benefits fund.** There is established a separate
15 nonlapsible trust fund designated as the utility public benefits fund, consisting of
16 deposits by the public service commission under s. 196.374 (3) and (3m), public
17 benefits fees received under s. 16.957 (4) (a) and (5) (c) and (d) and contributions
18 received under s. 16.957 (2) (c) 4. and (d) 2.

19 **SECTION 8.** 29.601 (5) (a) of the statutes is amended to read:

20 29.601 (5) (a) This section does not apply to any activities carried out under the
21 direction and supervision of the department of transportation in connection with the
22 construction, reconstruction, maintenance and repair of highways and bridges in
23 accordance with s. ~~30.12 (4)~~ 30.2022.

24 **SECTION 9.** 30.01 (1am) of the statutes is created to read:

END of INSERT B

INSERT C:

SECTION 287. 452.09 (2) (a) of the statutes is amended to read:

452.09 (2) (a) ~~Each~~ Except as provided in a reciprocal agreement under s. 452.05 (3), each applicant for a salesperson's license shall submit to the department evidence satisfactory to the department of successful completion of educational programs approved for this purpose under s. 452.05 (1) (c). The department may waive the requirement under this paragraph upon proof that the applicant has received 10 academic credits in real estate or real estate related law courses from an accredited institution of higher education.

SECTION 288. 452.09 (2) (c) (intro.) of the statutes is amended to read:

452.09 (2) (c) (intro.) Except as provided in par. (d) or a reciprocal agreement under s. 452.05 (3), each applicant for a broker's license shall do all of the following:

SECTION 289. 452.09 (3) (d) of the statutes is amended to read:

452.09 (3) (d) ~~The~~ Except as provided in a reciprocal agreement under s. 452.05 (3), the department may not grant a broker's license to an applicant who does not hold a salesperson's license unless the applicant passes the salesperson's examination and the broker's examination.

SECTION 290. Nonstatutory provisions.

auto ref. "A"
(1) ~~ENERGY CONSERVATION AND EFFICIENCY GRANTS; EMERGENCY RULES.~~ Using the procedure under section 227.24 of the statutes, the public service commission shall promulgate as emergency rules the rules required under section 16.957 (2m) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the emergency rules promulgated under this subsection may remain in effect until the date on which the permanent rules required under section 16.957 (2m) of the statutes, as created by this act, take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the public service commission is not

auto ref. "B"

ASSEMBLY BILL 655

INSERT C
(continued):

1 required to provide evidence that promulgating rules under this subsection as
2 emergency rules is necessary for the preservation of the public peace, health, safety,
3 or welfare and is not required to provide a finding of emergency for the rules
4 promulgated under this subsection.

5 (2) SUBMISSION OF PROPOSED RULES CONCERNING AIR PERMITS FOR MODIFIED
6 SOURCES. Notwithstanding the time limit in section 285.11 (17) of the statutes, as
7 affected by this act, the department of natural resources shall submit in proposed
8 form the rules required under section 285.11 (17) of the statutes, as affected by this
9 act, relating to regulations that are published before the effective date of this
10 subsection to the legislative council staff under section 227.15 (1) of the statutes no
11 later than August 31, 2004.

12 (3) REPORT ON AIR PERMIT STREAMLINING EFFORTS.

13 (a) The department of natural resources, in consultation with owners and
14 operators of stationary sources of air pollution, shall develop a report that contains
15 all of the following:

16 1. A list of all existing exemptions under section 285.60 (6) of the statutes, as
17 affected by this act, and all general permits under section 285.60 (3) of the statutes,
18 as affected by this act.

19 2. Recommendations, and related proposed rule revisions, for expanding
20 exemptions under section 285.60 (6) of the statutes, as affected by this act,
21 establishing registration permits under section 285.60 (2g) of the statutes, as created
22 by this act, expanding the use of general permits under section 285.60 (3) of the
23 statutes, as affected by this act, issuing construction permit waivers under section
24 285.60 (5m) of the statutes, as created by this act, and taking other actions under

END OF INSERT C

1 department of natural resources shall submit to the joint committee for review of
2 administrative rules a report that contains all of the following:

3 (a) A description of all of this state's existing and pending state implementation
4 plans under 42 USC 7410 with an analysis of any rules or requirements included in
5 the plans that may not have been necessary to obtain federal environmental
6 protection agency approval but that are federally enforceable as a result of being
7 included in the plans.

8 (b) Recommendations for revisions of state implementation plans to remove
9 rules and other requirements that may not have been necessary to obtain federal
10 environmental protection agency approval

11 ~~SECTION 291.~~ [#] **Initial applicability.**

12 (1) ~~LAWSUITS CONCERNING CREDIT AGREEMENTS AND RELATED DOCUMENTS.~~ The
13 treatment of section 241.02 (3) of the statutes first applies to actions commenced on
14 the effective date of this subsection.

15 (2) ~~PARTIAL DEREGULATION OF TELECOMMUNICATIONS.~~ The treatment of section
16 196.195 (5m) and (10) of the statutes first applies to proceedings initiated by
17 petitions filed with the public service commission, or by notices made on the public
18 service commission's own motion, on the effective date of this subsection

19 ~~(3)~~ [#] **ENERGY CONSERVATION AND EFFICIENCY GRANTS.** The treatment of section
20 16.957 (2) (b) 1. (intro.) of the statutes first applies to grants that are awarded on the
21 effective date of the rules promulgated under SECTION ~~240~~ ^{auto ref. "A"} (1) of this act.

22 (4) ~~PROCESSING OF AIR PERMITS.~~ The treatment of sections 285.61 (3), (5) (c), (7)
23 (a), (8) (b), and (11), 285.62 (3) (a) (intro.) and (c), (5) (a), (7) (b), and (9) (b), and 285.66
24 (3) (a) of the statutes, the renumbering and amendment of sections 285.61 (2) and
^{auto ref. "B"}

END OF INSERT D

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**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3957/lins
MDK:.....

1

INSERT E: ✓

2

SECTION 1. Effective date.

3

(1) This act takes effect on July 1, 2005.

Emery, Lynn

From: Nowak, Ellen
Sent: Monday, January 05, 2004 1:35 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3957/1 Topic: Energy conservation and efficiency grants

It has been requested by <Nowak, Ellen> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3957/1 Topic: Energy conservation and efficiency grants